IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13349 of 2004

Between:

A. Vignesh, S/o Late A. Balaraj, Aged 27 years, Ex-Employee,
CPDCL, R/o 8-1-92/1, Shaikpet Village, Hyderabad.

..... PETITIONER

AND

1 The Superintending Engineer, Operation Circle,
Andhra Pradesh Central Power Distribution Co. Ltd,

Mint Compound, Hyderabad.
2 The Divisional Engineer Operation-1, Zone 1,

Andhra Pradesh Central Power Distribution Co. Ltd,
Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus: Directing the respondent No.1 to consider and dispose of the representation dated 30-6-2004 by directing the 1st respondent herein and also to pay the Death cum Retirement Benefits of Petitioner's late father Sri A. Balaraj, Attender/ Peon of APCPDCL/APSEB and Family Pension arrears from 12-8-2003 along with interest @ 12% per annum duly sanctioning the pension for which Petitioner's mother Smt. A. Shivarajamma W/o Late A. Balaraj who is eligible and also direct the respondent to issue appointment order appointing the petitioner as JLM/Trainee/Watchman.

Counsel for the Petitioner :MR.KRISHNA MURTHY ATTIVILLI

Counsel for the Respondent Nos.1 & 2: MR.S.RAVINDRANATH, SC for AP GENCO

The Court at the admission stage made the following :

ORDER:

The petitioner is the son of a former employee of the respondent-company. The employee died on 12.8.2003 in harness while in service. The petitioner and his mother made a representation to the first respondent on 30.9.2003 and another representation dated 30.6.2004 for grant of family pension, death-cum-retirement benefits including pension and also a job to the petitioner under the compassionate scheme of appointment.

The grievance of the petitioner is that the first respondent did not pass any orders on the representation made by them, therefore, approached this Court seeking a direction to the first respondent for passing appropriate orders on the representations made by them.

The learned counsel for the respondents submitted that since there is a civil dispute between the petitioner and third party pending, the first respondent passed an order dated 11.6.2004 intimating the petitioner that their request cannot be considered till further orders from the civil Court.

In the light of the above circumstances, the first respondent is directed to pass a speaking order on merits by taking into consideration whether the pleas raised by the third parties before the civil Court act as a bar for settlement of the pensionery benefits in favour of the petitioner and his mother and communicate the same to them within two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Dr. G. YETHIRAJULU, J

Date : AUGUST 02, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintending Engineer, Operation Circle,
Andhra Pradesh Central Power Distribution Co. Ltd,

Mint Compound, Hyderabad.

2 The Divisional Engineer Operation-1, Zone 1,

Andhra Pradesh Central Power Distribution Co. Ltd,
Saifabad, Hyderabad.

3 Two CD copies.